

March 4, 2002

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON PRELIMINARY PLAT APPLICATION

SUBJECT: Department of Development and Environmental Services File No. **L01P0010**
Proposed Ordinance No. 2002-0021

VIRK PROPERTIES
Preliminary Plat Application

Location: 29660 – 34th Avenue South

Applicants: **Virk Properties**
Attn: Karnail Singh Virk
2603 – 124th Place Northeast, #1
Bellevue, WA 98005
Telephone: (425) 883-6114

KBN Corporation
Attn: Bhag Singh Khela
10818 Southeast 236th
Kent, WA 98031

King County: Department of Development and Environmental Services
Land Use Services Division, *represented by*
Fereshteh Dehkordi
900 Oakesdale Avenue Southwest
Renton, WA 98055
Telephone: (206) 296-7173
Facsimile: (206) 296-7051

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened:	February 28, 2002
Hearing Closed:	February 28, 2002

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Site access

SUMMARY:

The preliminary plat is approved, subject to conditions.

FINDINGS OF FACT: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owners/Developers:	KNB Corporation Bhag Singh Khela 10818 SE 236 th Kent, WA 98031	Virk Properties Karnail Singh Virk 2603 124 TH Place NE Apt. 1 Bellevue, WA 98005
Surveyor:	Crones & Associates 23806 109 th Avenue SE Kent, WA 98042	
Engineer:	Pittman Engineering 15118 SE 43 rd Street Bellevue, WA 98006	
STR:	SW ¼ 03-21-04	
Location:	29660 34 th Avenue South	
Zoning:	Residential, 6 du/acre (R-6)	
Acreage:	2.81	
Number of Lots:	13	
Density:	4.6	
Lot Size:	Ranges from 4500 to 5500	
Proposed Use:	Single Family Residential	
Sewage Disposal:	Lakehaven Utility District	
Water Supply:	Lakehaven Utility District	
Fire District:	Federal Way Fire District	
School District:	Federal Way	
Complete Application Date:	April 30, 2001	

2. Except as modified herein, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the February 28, 2002, public hearing are found to be correct and are incorporated here in by reference. The LUSD staff recommends approval of the application, subject to conditions.
3. KNB Corporation and Virk Properties have filed a preliminary plat application to subdivide 2.09 acres into 13 lots for single-family residential development. This is an infill development located in the rapidly developing neighborhood lying east of the City of Federal Way.
4. The Applicant has agreed with the staff's recommendation that the site access road shall be located along the northern boundary of the development, constructed onsite as a half street and tapered toward the parcel's northeast corner. This will facilitate providing access to undeveloped parcels lying north of the site. A variance has been granted from intersection spacing requirements in order to accommodate this neighborhood circulation pattern.

CONCLUSIONS:

1. If approved subject to the conditions imposed below, the proposed subdivision makes appropriate provision for the public health, safety and welfare; serves the public use and interest; and meets the requirements of RCW 58.17.110.
2. The conditions of approval imposed herein, including dedications and easements, will provide improvements that promote legitimate public purposes, are necessary to serve the subdivision and are proportional to its impacts; are required to make the proposed plat reasonably compatible with the environment; and will carry out applicable state laws and regulations and the laws, policies and objectives of King County.

DECISION:

The preliminary plat application for the Virk Subdivision as revised and received on October 30, 2001 is approved, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).

5. The applicant must obtain the approval of the King County Fire Protection Engineer certifying the adequacy of the fire hydrant, water main, and fire flow to meet the standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file.”
 - d. Core Requirement No. 2: Off-site Analysis

The downstream analysis report has identified (drainage complaint #93-0502) a 48-inch culvert half-full of sediment. This culvert is located in the immediate downstream path of the site where drainage crosses under South 298th Street. The applicant shall remove the sediment build-up in the downstream culvert.
 - e. Core Requirement No. 3: Runoff Control.

Storm water runoff control shall be provided using the Level One flow control standard design criteria outlined in the 1998 KCSWDM. The size of the proposed drainage tract may have to increase to accommodate the required detention storage volumes and water quality facilities. The runoff control facilities shall be located in a separate tract and dedicated to King County, unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.

As specified in section 5.1.1 of the 1998 KCSWDM, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.
 - f. Core Requirement No. 8: Water Quality: The preliminary plat is subject to the basic water quality requirements of the 1998 KCSWDM.

7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS), including the following requirements:
 - a. The proposal shall comply with the approved road variance (KC File L01V0091) by locating the plat entrance as a half-street at the north boundary of the site.
 - b. The plat entrance road along the north property line shall be improved as an urban half-street requiring 30-feet of right-of-way dedication, 20-feet of paved travelway and a sidewalk. Right-of-way dedication from the eastern edge of the internal (north/south) access street to the east property line shall be revised to extend from the appropriate radius point to the northeast property corner. Urban frontage improvements shall occur along the taper to the north property line. (See Attachment 3 to the DDES staff report)
 - c. The internal street shall be improved to urban, minor access street standards.
 - d. Tracts C and D shall be improved as private joint use driveways that each serve a maximum of two lots. The serving lots shall have undivided ownership of the tract and be responsible for its maintenance. A note to this effect shall be placed on the engineering plans and final plat. As required by KCRS 3.01C, improvements shall include an 18 foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
 - e. The driveway to Lot 1 shall be located as far away as practical from 34th Avenue South.
 - f. A minimum 25-foot right-of-way radius shall be dedicated at the corner of 34th Avenue South and South 298th Street. Urban frontage improvements meeting the collector arterial standard shall be provided along the South 298th Street and 34th Avenue South plat frontages.
 - g. The proposed road improvements shall address the requirements for road surfacing outlined in KCRS Chapter 4. As noted in section 4.01F, full width pavement overlay is required where widening existing asphalt.
 - h. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
 - i. Street illumination shall be provided at intersections with an arterial in accordance with KCRS 5.03.
 - j. Both South 298th Street and 34th Avenue South are designated as collector arterial streets which may require designs for bus zones and turn outs. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements.
 - k. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
8. There shall be no direct vehicular access to or from South 298th Street and 34th Avenue south from abutting lots. A note to such effect shall appear on the engineering plans and final plat.

9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
11. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
12. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, finish grade, and general improvements including landscaping consistent with KCC 21A. 16.050. The landscape plan shall be prepared by a registered landscape architect or as otherwise recommended by KCC 21A.16.115. The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
13. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space.
14. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
 - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.

- b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
- c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
- d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
- e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
- g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 34th Avenue South or South 298th Avenue are on a bus route. If they are bus routes, the street tree plan shall also be reviewed by Metro.
- h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 4th day of March, 2002.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 4th day of March, 2002, to the parties and interested persons of record:

James Crones
Crones & Associates
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NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before March 18, 2002***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before March 25, 2002***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Court-house, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE FEBRUARY 28, 2002 PUBLIC HEARING ON DEPARTMENT OF
DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO: L01P0010

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Fereshteh Dehkordi. Participating in the hearing and representing the Applicant was John Pittman, Pittman Engineering. There were no other participants in this hearing.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L01P0010
- Exhibit No. 2 Department of Development and Environmental Services Preliminary report, dated February 28, 2002
- Exhibit No. 3 Application, dated April 27, 2001
- Exhibit No. 4 Environmental checklist, dated March 12, 2001.
- Exhibit No. 5 Declaration of non-significance, dated January 4, 2002
- Exhibit No. 6 Affidavit of Posting indicating May 5, 2002, as date of posting and May 7, 2001, as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Site plan, dated October 30, 2001
- Exhibit No. 8 GIS map
- Exhibit No. 9 Assessors maps (2) SW and NW 3-21-04
- Exhibit No. 10 Road variance decision, L01V0091, dated January 22, 2002, from Paulette Norman, P.E.
- Exhibit No. 11 Wetland Delineation report, dated October 17, 2001 by Altmann Oliver Associates
- Exhibit No. 12 Level One Drainage Analysis report by John Pittman, dated April 6, 2001 and revised October 23, 2001
- Exhibit No. 13 Revised Level One Drainage Analysis report by John Pittman, revised November 19, 2001
- Exhibit No. 14 Conceptual drainage plan, dated October 30, 2001